

Message Text

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E.O. 11652: GDS

TAGS: MASS, SP

SUBJECT: MILITARY ASSISTANCE PROGRAM FOR SPAIN: PROBLEMS
OF IMPLEMENTATION

REF: A) MADRID 8594 (DTG 111803Z NOV 76)

-- B) STATE 258543 (DTG 191857Z OCT 76)

-- C) STATE 257643 (DTG 182041 OCT 76)

1. IT REMAINS OUR OBJECTIVE AND INTENTION TO IMPLEMENT
THE SECURITY ASSISTANCE PROVISIONS OF THE NEW TREATY TO
ACHIEVE MAXIMUM MUTUAL BENEFITS FOR US AND SPANISH DEFENSE
EFFORTS. WHEREVER POSSIBLE, WITHIN THE LIMITS SET BY THE
TREATY AND IMPLEMENTING LEGISLATION, WE WILL SEEK TO MEET
GOS DESIRES FOR FLEXIBILITY IN USING SECURITY ASSISTANCE
UNDER THE TREATY.

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2. WITH RESPECT TO TRAINING, THE TREATY LEGALLY BINDS THE

US TO PROVIDE \$2 MILLION PER YEAR FOR FIVE YEARS. UNDER US LAW, FUNDS APPROPRIATED IN A GIVEN FISCAL YEAR MUST BE OBLIGATED BEFORE THE END OF THAT FISCAL YEAR UNLESS FUTURE YEAR AVAILABILITY SPECIFICALLY PROVIDED FOR. NO PROVISION FOR FUTURE YEAR AVAILABILITY EXISTS UNDER THE TREATY. THE EMBASSY, MAAG, STATE AND DOD SHARE THE RESPONSIBILITY TO ASSIST THE GOS IN PROGRAMMING AND OBLIGATING THE \$2 MILLION EACH YEAR FOR TRAINING. HOWEVER, THE \$2 MILLION DOES NOT REPRESENT AN ABSOLUTE CEILING ON TRAINING FOR SPAIN, SINCE TRAINING ABOVE THAT LEVEL COULD BE OBTAINED ON AN FMS CASH BASIS. FURTHER, SHOULD EVENTS BEYOND SPANISH CONTROL PREVENT OBLIGATION OF THE FULL \$2 MILLION IN A GIVEN YEAR, WE COULD SEEK TO MAKE UP THE SHORTFALL IN THE SUCCEEDING YEAR ALTHOUGH THIS WOULD GO BEYOND OUR OBLIGATIONS IN THE TREATY AND COULD MEET CONGRESSIONAL RESISTANCE BUT LEGAL AND CONGRESSIONAL CONSIDERATIONS LEAD US TO CONCLUDE THAT IT WOULD NOT BE APPROPRIATE TO TRY TO ACCELERATE FUNDING FOR TRAINING BY SEEKING INCREASES IN NEXT FISCAL YEAR ABOVE THE \$2 MILLION SET BY THE TREATY.

3. WITH REGARD TO USE OF FMS FINANCING, IT REMAINS US POLICY TO CONCENTRATE ALL FMS FINANCING ON THE PURCHASE OF MAJOR END ITEMS RATHER THAN FOR PARTS AND SUPPORT (EXCEPT AS PART OF AN INITIAL PURCHASE OF MAJOR END ITEMS), AND ALL US MISSION ELEMENTS SHOULD ENCOURAGE GOS TO USE FMS UNDER THE TREATY TO THAT END. HOWEVER, WE RECOGNIZE THAT NEITHER THE TREATY NOR THE NEGOTIATING HISTORY STATE SPECIFIC CONDITIONS ON USE OF THE FMS FINANCING BEYOND THE GENERAL APPLICABILITY OF NORMAL PRACTICES AND PROCEDURES. SPANISH REQUESTS WHICH MAY BE INCONSISTENT WITH OUR WORLDWIDE POLICY ON USE OF FMS FINANCING WILL BE WEIGHED IN LIGHT OF OUR TREATY COMMITMENT AND OUR OVERALL BILATERAL RELATIONSHIP. KISSINGER

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